



SDMS DocID 000200828

Thomas F. McLoughlin, Deputy Commissioner
 Executive Office of Environmental Affairs
 Department of Environmental Quality Engineering
 Division of Solid and Hazardous Waste
 One Winter Street
 Boston, Massachusetts 02108

Dear Commissioner McLoughlin:

Thank you for your letter of November 13, 1986 setting out your comments on the preliminary proposal for the pilot program to demonstrate the feasibility of dredging and disposal of contaminated sediments in New Bedford Harbor. Your support of this project is both welcome and essential. As you are undoubtedly aware, our staffs have continued to work closely to further develop and refine the pilot proposal.

In this regard, your staff has asked us to set forth the requirements of the Superfund program, as amended by the 1986 Superfund Amendments and Reauthorization Act (SARA), concerning compliance of response actions undertaken by the Superfund Program with state permitting requirements, particularly as they may affect the pilot program and subsequent cleanup actions being considered for the New Bedford Harbor site. The provisions of the new statute can be simply summarized as requiring that remedies comply with applicable or relevant and appropriate state standards which are substantive in nature, but, with respect to on-site disposal remedies, not with state procedural requirements. Off-site transport of hazardous substances is the least preferred alternative, and it is required to utilize permitted facilities. In certain circumstances, the substantive requirements for on-site remedies may be waived.

Section 121 of SARA contains the provisions relevant to the application of state requirements. Relevant excerpts from section 121 are enclosed with this letter.

In respect to the New Bedford site, we are already working together with state personnel to determine the applicable and relevant and appropriate state standards. We will need to work closely with your staff to evaluate the various alternatives under consideration in light of the various state substantive standards, and assure the ultimate selection of a remedy or remedies which will either comply with the state's standards, or satisfy the requirements of

CONCURRENCES

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SARA set forth above for a remedy which does not comply. However, we will not need to file permit applications and follow the permitting procedures if an on-site remedy is chosen. Instead, we will follow the existing process for a Remedial Investigation/Feasibility Study and a Record of Decision under the National Contingency Plan.

If you have any further questions concerning the application of SARA to the New Bedford site, please feel free to contact Charles Bering, in our Office of Regional Counsel, at 565-3445.

Sincerely,

Merrill S. Hohman, Director
Waste Management Division

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